

CHIEF JUDGE DARYL F. BLOOM

Case 3:24-cv-02216-DFB

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF PENNSYLVANIA

NA-QUAN LEWIS, :

Plaintiff, : No.: 3:24-cv-02216

v. :

CHRIS PRESCOTT, JOSEPH F:

Defendants. :

**FILED**  
HARRISBURG, PA

APR 17 2025

PER   
DEPUTY CLERK

Motion to amend

Now comes the defendant who respectfully request the honorable court to grant the above captioned motion in support i state the following

I'm requesting that my complaint be amended to everything in this filing due to the opposing counsel for Chris Prescott AND JUDGE JOSEPH F SKLAROSKI filing a motion to dismiss on the basis For the reasons mentioned in his motion to dismiss that I

Pursuant to Fed.R.Civ.Pro. 12(b)(6), fail to state a claim upon which relief may be granted.

Pursuant to Fed.R.Civ.Pro. 12(b)(5), Have made insufficient service of process

And that My claims fail I don't allege sufficient facts to

support each element of a malicious prosecution claim.

So for the above reasons i would like to amend my complaint to the following :

NAQUAN LEWIS DATE OF ARREST: Self Surrender August 22, 2022

PENNSYLVANIA CASE NUMBER: 3026 2024

CASE RESULTS: EVERYTHING DISMISSED: FEBRUARY 12, 2024

CHARGES: TERRORISTIC THREATENING, CONSPIRING TO COMMIT AN  
ILLEGAL ACT

#### Factual Background & Claim

John Arce , Chris Prescott & Judge Joseph F Skleroski Acted Under Color Of Law Together Violating Constitutional Amendments (Civil Rights ) When Chris Prescott the then chief of police Conducted A Insufficient Investigation Then used insufficient evidence

And Then Maliciously Charged Me Which Violated My 5th amendment to due process MY 4TH AMENDMENT FOR MALICIOUS PROSECUTION My 14th amendment to due process & equal rights My 13th amendment which abolishes slavery except punishment of crime my 8th amendment which prohibits excessive bail fines and fees and cruel and unusual punishment all acts of acting under color of law , The reason for this incident is as followed , I rented property from John arce , He is my aunts baby father and they have 2 children together . I got off probation and moved to Scranton pa and was living with my grandmother. Arce offered the property for rent and we conducted business . I gave Arce the first month and security and paid \$300 a month at first and then the rent got hiked up and raised \$100 dollars . I started to pay double rent because I enjoyed my own space and not seeing him every month and you know just being responsible . My home had many issues and

Arce refused to fix anything , I had a hole in my window the whole winter and with summer coming in and me about to put carpet and electronics in my home I needed repairs so my things wouldn't be damaged by the heat and bugs .On 7-16-22 I was attacked by Arce when he came to finally fix the ceiling fan but had on party clothes and was running late for his daughters birthday party , He waited all day to come and stopped by at 5 o'clock pm and the birthday party was at 5:30 pm , Arce didn't know how to fix a ceiling fan and when he unscrewed the ceiling fan it dropped and I had a chord and fan dangling from my ceiling and he was talking about he running late for the event I told him no I need my stuff fixed i endured a cold winter I can't do a hot summer and you raised the rent and Arce became angry and assaulted me and a fight broke out

and he came back with my aunt who began to yell scream and try to invade my home and then the police came assessed the situation made ARCE pick a date to fix the ceiling fan and informed him to if he has to come to property to ask me and give me a hour to prepare they specified no more pop up's , Then on 8-21-2022 my home was broken into , Arces other tenants left the front door open when leaving to go to work at 6 am which is documented in police reports , I was on vacation and got the news from the neighbor and I then ended up back at my home where I collected remaining belongings and it should be noted that my tv was stabbed 9 pair of shoes taken medical teeth molds destroyed my Xbox was stolen and old forge police came out refused to take fingerprints n dna so I ended up in luzerne county at arces house where he invited me in and we began speaking regaurding compensentation for my belongings going missing due to his tenants who are on section 8 leaving the front door open being the cause for my home being broken into and my safety and nothing happened but my aunt left the house very fast in a hurry and we later discovered she left the burough of Luzerne

because she felt threatened and safety at risk but as pointed out at preliminary hearing no attempt was made to go to the police station on the same block Arce and my aunt lived and live at which is directly down the street instead she came back with pa state police who asked Arce if anything happened and he stated nothing happened nobody did nothing we family we was just talking , State police had to yell at my aunt and make her be quite and threatened to charge her with obstructing a investigation due to her keep screaming and making accusations not letting nobody talk and then state police allowed me to leave because nothing happened , Arce then on 8-21-2022 contacted old forge police to try and get me arrested for the same incident he told state police nothing happened in and they refused to help him he also stated according to police reports that he tried to call pa state police but they said they couldn't help him and then he went to luzerne police station and spoke with then chief of police Chris Prescott who then contacted me because it was a complaint and so he informed me that he was conducting a investigation and that he was trying to set up a interview with me to which I responded was this mandatory and he responded no but that if i wanted my version of the story and evidence to be considered that i should come down so that he could make a determination if there was enough evidence based off his investigation to charge or not but that if I didn't come in that basically i was going to be charged because then no evidence would be up for consideration on my behalf with me refusing to speak with him so i scheduled a date and I came in for a interview and notified him off all the before mentioned information and gave him the complaint number with the state police (Pa 2022 1067641) for him to review and he was made aware of the incidents in old forge with ARCE and and also made aware of the police contact and reports in which if he would have investigated which was his job it would have shown that Arce told pa state police officers nothing happened , The incidents in old

forge involving Arce and I from the assault and ceiling fan issue to the issues regarding my keys and break in , The issues with the locks being changed and the landlord giving his tenants my keys , The incident where the chief of police had to get involved and had me get the keys directly from him which all was brought to Chris Prescotts attention and police report were available and the multiple calls and numerous reports Archie made but instead he took my story and information and 2 weeks later issued warrants out for my arrest which helped Arce Secure Eviction the fastest way possible because Arce was using the police to get a eviction due to the fact that my rent was double payed and up to date which is in police reports as well and I caused no issues with the property or tenants so he had no reason for eviction so he chose another route and instigated my arrest by providing false information and being malicious with intention to secure his property the fastest way possible & then Prescott refused to verify any information , conduct a sufficient investigation, This caused a 2 year case and Prescott only came to one court date Arce as well . On 8-30-22 Old forge police had to come out , After my home was broken into , Arce without notifying me changed my locks violating pa landlord tenant code and I had to get my keys from the police station days later , Arce doing this also violated what officers said previous because of a fight we had when Arce was informed to call me and ask before performing any work to avoid incident and respect privacy but Arce changed the locks I have videos also on hard drive , Officers learned I was double paying rent and was 2 months ahead yet I had no keys to my apartment Arce made sure to give the same neighbors who forgot to lock the door my key to my home that I double paid rent for , The neighbor admitted to having my keys and officers still did nothing & it's actually the chief of police of old forge who got my keys back and I had to go to the police station to get them . Every incident described I inserted police reports as exhibits to show

proof and am currently waiting for MY SUBPOENAS TO COME BACK WHERE THE SAID incident where ARCE stated to pa state police nothing happened .

At the preliminary hearing Arce testified and some of my charges were dropped as a result of the facts that came out during cross examination. I was then moved to the higher court and given to Judge Sklaroksy, who, being elected to the bench in 2011, acted under the color of law, and knowingly violated my rights to counsel and fair proceedings. He only held court 3 or 4 times in 2 years and he allowed the prosecution unlimited continuances they didn't even have an address on file just a zip code so no mail or request for continuances were given nor was i notified . I didn't have a lawyer and the Judge didn't give me a colloquy or farehta hearing when i asked to proceed pro se violating my 6th amendment to counsel as required before allowing self representation and was malicious with the way he acted under color by knowingly violating my constitutional amendments because he was been made aware . When I arrived at court my discovery was literally only the police report. Chris Prescott acted under color of law by not conducting a thorough investigation violating all my rights mentioned in original complaint but to specify my 5th amendment to due process was violated with his insufficient investigation and actions of deliberately failing to collect evidence in my favor which violated my 6th amendment to fair proceedings and my 14TH amendment to equal rights and due process my 8th amendment which prohibits cruel and unusual punishment and my 13th amendment which abolished slavery except punishment of a crime and these acts also triggered my mental health diagnosis of bipolar , schizophrenia , ptsd and more conditions i have been diagnosed with i also was homeless due to the investigation of Chris Prescott which caused me 2 year court proceedings and not having any money living on couches and homeless at times he also

violated my rights to due process, fair proceedings, he acted under color of law as he is a veteran officer and the Chief of Police and should have known better. Arce stopped coming to court after starting a false suit in the criminal proceedings department , making fraudulent claims which resulted in charges being filed on me because Chris Prescott did bad police work violating my rights . Every party named in the suit was vital in aiding Mr. Arce in his gross abuse of my civil rights & getting his rental property back which was the ultimate goal for him . And for the following reasons im requesting in punitive damages what i requested in my original complaint due to the facts of all acts described which there is proof , John ARCE instigated the whole situation with intention of getting around or short cutting the eviction process by placing false charges on me and although ARCE gave Chris Prescott the information Chris violated my rights and acted under color of law by not conducting a independent investigation and then by not verifying information from me which was available but not taken into consideration which was malicious intent and violated my 14TH amendment to equal rights ignoring information that would have shown innocence on my behalf and also at that ARCE was lying , Chris Prescott had a choice to due his due diligence and conduct a investigation but again he ignored everything and this led to proceedings being placed on me due to the officers incompetence which led to him starting the 2 year legal battle which drained me and then the judge violating my rights and its funny ARCE went to 3 or 4 police stations with the Luzerne police station which is down the street from his house the closest police station to him last . So while Arce may be the originator or instigator Chris Prescott still had to conduct a investigation on the complaint and thru his actions and deliberately ignoring paperwork police reports and incident reports with Arce saying originally nothing happened to the pa state police and also showing all the incidents which would have shown a landlord being malicious along with a pattern of

lying to law enforcement Chris Prescott the then chief of police turned into the initiator and or cause of why my rights were violated ALSO I MISSED MY EVICTION COURT DATE DUE TO NOT HAVING MONEY AFTER PAYING DOUBLE RENT BEING ATTACKED HOUSE ROBBED AND THEN BEING CHARGED AND NOT HAVING MY KEYS SO I REALLY HAD NO FAIR PROCEEDINGS OR A INVESTIGATION FROM THE DOOR AND I WAS FRESH OFF PROBATION AND HAD TO ENDURE ALL OF THIS ON TOP OF A 2 YEAR COURT CASE WHERE THE JUDGE WAS TOLD ON RECORD HE IS VIOLATING MY RIGHTS BY NOT PERFORMING A COLLOQUY WHICH ACCORDING TO FEDERAL RULES WELTY FACTORS ON SELF REPRESENTATION A JUDGE IS REQUIRED TO ASK QUESTIONS AND MAKE SURE THE DEFENDANT HAS TO HAVE A OVERALL UNDERSTANDING BEFORE HE CAN WAIVE HIS RIGHTS FULLY AND SELF REPRESENTATE AND JOSEPH SKLAROSKI THE JUDGE DIDNT DO SO AND THERE IS NO COLLOQUY OR FEREHTTA HEARING LISTED BUT IM ON PAPER AS PRO SE AND THIS HARMED ME BY CONTINUING THE SUFFERANCE ON MY MENTAL HEALTH BY WAY OF VIOLATION OF MY 6TH AMENDMENT BECAUSE NO ADRESS WAS ON FILE OR PROPER COMMUNICATION TO ME FROM THE COURTS WHICH DEPRIVED ME TO OBJECT TO A CONTUNUIANCE WHICH ALLOWED MY CASE WHICH WAS OF MALICIOUS PROSECUTION TO BE AIDED INTO A 2 YEAR PROCEEDING WHICH I SUFFERED FOR 2 YEARS ON THE STREET STILL TRYNA RECUPORATE IN WHICH IM NOT AND THIS ALSO DEPRIVED ME OF FAIR PROCEEDINGS AND EQUAL RIGHTS

QUESTIONS OF LAW -IF A OFFICER RECEIVES A COMPLAINT DOES HE HAVE THE DUTY TO INVESTIGATE THE FACT



ANSWER - NO BUT UNDER THOMPSON V CLARK 596 2022 THE CASE CLARIFIED FOR PURPOSES OF A 42 USC 1983 CLAIM FOR MALICIOUS PROSECUTION ONLY REQUIRES PROOF THAT THE PROSECUTION ENDED WITHOUT CONVICTION NOT AN AFFIRMATIVE INDICATION OF INNOCENCE THIS RULING IS INCLUDED FOR PENNSYLVANIA WHERE THE PRINCIPLES OF FEDERAL LAW APPLY.

#### SUMMARY WRAP UP

JOHN ARCE IS THE CAUSE , INSTIGATOR , INITIATOR OF MY PAIN AND SUFFERING AND HIS MOTIVE WAS TO GET ME OUT OF HIS PROPERTY BUT AGAIN I PAID MY RENT UP AND HAD NO ISSUES SO BUT THEN CHIEF OF POLICE CHRIS PRESCOTT BECOMES APART OF AIDING ARCE AND SEEN ALL THE PROOFS AND STILL CHOSE TO HELP ARCE BUT ALSO BEING THE INITIATOR OF THE MALICIOUS PROSECUTION DUE TO BRINGING CHARGES ON ME AND EVEN THOUGH HE DIDN'T HAVE THE DUTY TO INVESTIGATE UNDER THOMPSON V CLARK 596 2022 I ONLY HAVE TO SHOW PROSECUTION ENDED WITHOUT CONVICTION AND THEN JUDGE JOSEPH SKLAROSKI BECOMES APART OF THE MALICIOUS PROSECUTION AND AIDENCE OF ARCE AND THE VIOLATION OF MY RIGHTS BY CONTINUING A CASE FOR 2 YEARS DEPRIVING ME OF COUNSEL WHICH FURTHERED MY SUFFERING

FOR THE FOLLOWING REASONS THE DEFENDANT PRAYS THE HONORABLE COURT GRANT THE ABOVE CAPTIONED MOTION

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